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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/519,185 | 06/27/2005 | John Peter Rickaby | BSN.P0001 | 4778 |

7590 03/24/2006
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EXAMINER

KRUE, STEFAN

ART UNIT PAPER NUMBER

3654

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/519,185 | RICKABY, JOHN PETER | |
| | Examiner | Art Unit | |
| | Stefan Kruer | 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 3 and 5 - 10 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02/28/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. *The form and legal phraseology often used in patent claims, such as "means" and "said" and "comprised" should be avoided.* The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

Claims 8 and 9 are objected to because of the following informalities: typographical error involving the term "drive", lines 2 and 1 of Claims 8 and 9, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable by Cheney (US 2,507,887) in view of Melse et al (EP 0043592A1).

Regarding Claim 1, Cheney discloses a chassis (18) supporting a load bearing member (12), the chassis having a main member (20) on which are mounted a drive arrangement (21) for driving the lift along a rail and a further arrangement (35) for engagement with the rail, said further arrangement comprising a rail engaging member (58). Cheney's means (47) for moving the rail engaging member, so as to maintain the horizontal orientation of his load bearing member, involves pivotal motion rather than linear motion.

Melse, however, teaches his linearly moving rail engaging means (84) for maintaining the horizontal orientation of his load-bearing member (20), for rail sections having horizontal paths and tight curves (Pg. 2, Line 25). It would have been obvious to one of ordinary skill in the art to modify the invention of Cheney as suggested by the teaching of Melse in order to provide a device of greater flexibility in accommodating rail sections of varying degrees of inclination.

Regarding Claim 2, both Cheney and Melse disclose their further arrangements pivotal about the vertical axis in relation to their respective main members of their chassis (Fig. 2 and Pg. 3, Line 16, respectively).

Regarding Claim 5, Cheney discloses a further arrangement having an additional rail-engaging member (72).

Regarding Claim 6, Cheney discloses a rail (110 provided with a rack (17) for engagement with said drive arrangement.

Regarding Claim 7, Cheney discloses a load-bearing surface running parallel but spaced from the rack (Fig. 3).

Regarding Claims 8 and 9, Cheney discloses his drive and further arrangements disposed on his main member so as to receive at least a part of his rail between the arrangements and the main member (Fig. 1 and 2).

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable by Cheney in view of Melse, as applied to Claims 1 and 2, and in further view of Muranaka (US 6,679,353).

Cheney discloses control circuitry for engaging the drive motor for both upward and downward motion in response to inputs from his control box (236) as well as disengaging the drive motor when either the seat is not in its proper orientation or when the limit switches (105) are actuated by either rail bumpers or other obstruction. Cheney notes the further development of the controls of his invention by stating, "Other functions which may be performed... are a matter of design choice" (Col. 5, Line 20). Muranaka furthers the invention of Cheney through the application of a speed sensor (17), as a means to monitor and regulate the traveling speed of his chair lift, the latter via a solenoid braking mechanism, a weight sensor (23) as indication of a seated passenger, thereby enabling/disabling engagement of his motor (14), and heat sensing lamps (24) positioned along the incline as an additional safety feature.

With these advances in controls, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to provide an electronic control unit for enhanced linear positioning of the further arrangement.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 contains allowable subject matter because the teachings of the prior art of record taken as a whole do not show or render obvious the combination set forth including "...means for recording data..."


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Falk (DE 3819522 A1), Voves (US 4,913,264) and Hoffman (2,888,099) are cited for reference of unique stair lifting technologies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F, 09:00 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK 
21 Feb. 2006



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600